



HOUSE MAJORITY WHIP  
**JAMES E. CLYBURN**  
THE DAILY WHIPLINE

**Wednesday, April 30, 2008**

| House Meets At...                   | Votes Predicted At... |
|-------------------------------------|-----------------------|
| 10:00 a.m. For Legislative Business | Last Vote: 7:00 p.m.  |
| Fifteen "One-minutes" Per Side      |                       |

**Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.**

**On Wednesday, the House will convene at 10:00 a.m. and recess immediately. The House will then reconvene at approximately 10:40 a.m. in a Joint Meeting with the Senate to receive His Excellency, Bertie Ahern, Prime Minister of Ireland. Members are encouraged to be in the Chamber no later than 10:45 a.m.**

**One-Minutes will resume at approximately 12:00 p.m.**

**Floor Schedule and Procedure**

- **Suspension Bills:** Today, the House will consider several bills on the Suspension calendar. Bills considered on the Suspension calendar are debatable for 40 minutes; may not be amended; and require a two-thirds vote for passage. If a recorded vote is requested, it will be postponed.
  - 1) H.R. 1195** - To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes (Rep. Oberstar – Transportation and Infrastructure)
  - 2) H.Con.Res. 308** - Authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (Rep. Norton - Transportation and Infrastructure)
  - 3) H.Res. 444** - Supporting the goals and ideals of National Aviation Maintenance Technician Day, honoring the invaluable contributions of Charles Edward Taylor, regarded as the father of aviation maintenance, and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft (Rep. Filner - Transportation and Infrastructure)
  - 4) H.Res. 964** - Promoting the safe operation of 15-passenger vans (Rep. Duncan - Transportation and Infrastructure)
  - 5) H.R. 5919** - To make technical corrections regarding the "Newborn Screening Saves Lives Act of 2007" (Rep. Roybal-Allard – Energy and Commerce)

**6) H.R. 1777** - Need-Based Educational Aid Act of 2007 (Rep. Delahunt – Judiciary)

**7) H.Con.Res. 330** - Supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month (Rep. Baldwin – Judiciary)

**8) H.Res. 1096** - Commending the University of Kansas Jayhawks for winning the 2008 National Collegiate Athletic Association Division I basketball championship (Rep. Moore (KS) – Education and Labor)

**9) H.Res. 1130** - Recognizing the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well being. (Rep. Graves – Education and Labor)

**10) H.Res. 1100** - Congratulating the University of Iowa Hawkeyes Wrestling Team on Winning the 2008 NCAA Division I National Wrestling Championships (Rep. Loeb sack – Education and Labor)

**11) H.Res. 1119** - Supporting the goals and ideals highlighted through National Volunteer Week (Rep. Platts – Education and Labor)

**12) H.Res. 1149** - Expressing support for the designation of April 2008 as National Sarcoidosis Awareness Month, and supporting efforts to devote new resources to research the causes of the disease, environmental and otherwise, along with treatments and workforce strategies to support individuals with sarcoidosis (Rep. Davis (IL) – Education and Labor)

**13) H.Res. 1154** - Supporting the mission and goals of Workers Memorial Day in order to honor and remember the workers who have been killed or injured in the workplace (Rep. Eddie Bernice Johnson (TX) – Education and Labor)

- **H. Res. 1157–Rule providing for consideration of H.R. 5522 - Combustible Dust Explosion and Fire Prevention Act of 2008 (Rep. McGovern-Rules):** The Structured rule provides one hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Education and Labor. The rule provides one motion to recommit with or without instructions. Debate on the rule will be managed by Rep. McGovern and consideration will proceed as follows:
  - One hour of debate on the rule.
  - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
  - Vote on adoption of the rule. **Democrats are urged to vote yes.**
- **H.R. 5522 - Combustible Dust Explosion and Fire Prevention Act of 2008 (Rep. Miller-Education and Labor):** Pursuant to the rule, debate on the bill will be managed by Education and Labor Committee Chair Rep. George Miller, or his designee, and will proceed as follows:
  - One hour of debate on the bill.
  - Debate and votes on amendments to the bill.
  - Possible debate and vote on a Republican motion to recommit the bill.
  - Vote on passage of the bill

- **Motion to Go to Conference on H.R. 4040 - The Consumer Product Safety Modernization Act of 2007 (Rep. Rush – Energy and Commerce)**
- **Motion to Instruct Conferees on H.R. 4040:** Debate on the motion will proceed as follows:
  - One hour of debate on the Motion to Instruct Conferees.
  - Vote on adoption the Motion to Instruct Conferees.
- **Flake Motion to Instruct Conferees on H.R. 2419 Food and Energy Security Act of 2007 (Rep. Peterson – Agriculture)**
- **Ryan (WI) Motion to Instruct Conferees on H.R. 2419 Food and Energy Security Act of 2007 (Rep. Peterson – Agriculture)**

### **Bill Summary and Key Issues**

### **H.R. 5522 – WORKER PROTECTION AGAINST COMBUSTIBLE DUST EXPLOSION AND FIRE ACT OF 2008**

#### **PREVENTING INDUSTRIAL DUST EXPLOSIONS**

The Worker Protection Against Combustible Dust Explosion and Fire Act would require the U.S. Occupational Safety and Health Administration to issue rules regulating combustible industrial dusts, like sugar dust, that can build up to hazardous levels and explode. In early February the Imperial Sugar refinery in Port Wentworth, Georgia, exploded, killing 13 workers and severely injuring many more. OSHA and the U.S. Chemical Safety Board, which have launched a major investigation into the Imperial Sugar explosion, have concluded that the explosion was caused by combustible sugar dust.

**Workers cannot be asked to wait any longer for these basic protections.** In 2006, following a series of fatal combustible dust explosions, the U.S. Chemical Safety Board conducted a major study of combustible dust hazards. It identified 281 combustible dust incidents between 1980 and 2005 that killed 119 workers, injured 718 others, and extensively damaged industrial facilities. The tragedy at Imperial Sugar shows that the threat of dust explosions is very real at industrial worksites across America and needs to be addressed immediately.

**OSHA has known about these dangers for years, but has failed to act.** The Chemical Safety Board urged OSHA in 2006 to issue rules controlling dust hazards, but OSHA has never offered any indication that it is planning to issue such rules. The agency has the authority to issue such rules without Congress passing new legislation, but it has failed to act. The CSB concluded that voluntary dust standards issued by the National Fire Protection Association were effective if employers complied with them.

**Since 2001, in case after case and industry after industry, OSHA has chosen to emphasize voluntary compliance over setting strong rules and enforcing them.** Effective voluntary guidelines to control combustible dust hazards and prevent dust explosions already exist. However, to truly protect workers, OSHA needs an enforceable standard is based on these voluntary guidelines. Without an OSHA standard, many employers are unaware of the hazards of combustible dusts, while others have chosen not to adopt voluntary standards.

## **BACKGROUND**

When dust builds up to dangerous levels in industrial worksites, it can become fuel for fires and explosions. Combustible dust can come from many sources, such as sugar, flour, feed, plastics, wood, rubber, furniture, textiles, pesticides, pharmaceuticals, dyes, coal, and metals, and therefore poses a risk across a number of different industries throughout the United States.

To address dust hazards, H.R. 5522 would:

- **Direct OSHA to issue an interim final Combustible Dust standard within 90 days.** The standard would include measures to minimize hazards associated with combustible dust through improved housekeeping, engineering controls, worker training and a written combustible dust safety program.
- **Direct OSHA to issue a final standard within eighteen months.** OSHA would be required to include relevant parts of National Fire Protection Association standards. In addition to items required in the interim standard, the final standard would include requirements for building design and explosion protection. The interim standard would remain in effect until the final standard is issued. OSHA would be required to fulfill all administrative rulemaking requirements including full public hearings, feasibility analysis and small business review.
- **Direct OSHA to include combustible dusts in the Hazard Communication Standard** which requires workers to receive information and training about the hazards they face.

## **Anticipated Amendments to H.R. 5522**

**1. Miller, George (CA):** The Manager's Amendment makes four adjustments to the bill: (1) corrects the short title; (2) provides that engineering controls required by the interim standard shall be effective 6 months after issuance of the standard (rather than 30 days); (3) maintains the provision that DOL shall include appropriate and relevant NFPA standards in the final standard but eliminates references to specific NFPA standards; and (4) clarifies that the final standard shall be conducted in accordance with usual rulemaking procedural requirements, including those that provide for small business review. (10 minutes)

**2. Wilson, Joe (SC): Amendment in the Nature of a Substitute.** The substitute amendment directs OSHA to wait for the outcome of the Imperial Sugar investigation and findings from the combustible dust National Emphasis Program before deciding on whether to move forward with a standard. (30 minutes)

### **Quote of the Day**

Democracy means the organization of society for the benefit and at the expense of everybody indiscriminately and not for the benefit of a privileged class. -George Bernard Shaw

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